

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Enoch Sowah	Team: Squad #14	CCRB Case #: 201800572	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 01/10/2018 4:30 PM	Location of Incident: 35th Avenue and 36th Street	Precinct: 114	18 Mo. SOL 7/10/2019	EO SOL 7/10/2019	
Date/Time CV Reported Mon, 01/22/2018 12:59 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Mon, 01/22/2018 12:59 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Vincent Dima	00263	948894	114 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Richard Gili	728	954622	114 PCT
2. POM Darryl Alleyne	26728	961488	114 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Vincent Dima	Abuse: At 35th Avenue and 36th Street in Queens, Sergeant Vincent Dima searched the vehicle in which § 87(2)(b) was an occupant.	
B.SGT Vincent Dima	Abuse: At the 114th Precinct stationhouse, Sergeant Vincent Dima did not obtain medical treatment for § 87(2)(b)	

Case Summary

On January 22, 2018, § 87(2)(b) filed this complaint via the CCRB's online website.

On January 10, 2018, at approximately 4:30 p.m., in the vicinity of 35th Avenue and 36th Street in Queens, Sgt. Vincent Dima and PO Richard Gili of the 114th Precinct stopped and searched § 87(2)(b)'s vehicle (**Allegation A: Abuse of Authority, § 87(2)(g)**), and arrested § 87(2)(b) for § 87(2)(b), § 87(2)(a) 160.50. At the 114th Precinct stationhouse, Sgt. Dima refused to obtain medical treatment for § 87(2)(b) (**Allegation B: Abuse of Authority, § 87(2)(g)**).

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

There is no video footage for this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: At 35th Avenue and 36th Street in Queens, Sergeant Vincent Dima searched the car in which § 87(2)(b) was an occupant.

§ 87(2)(b) (Board Review 01) said he was driving alone in his vehicle, a silver 2003 Mercedes S500, when his vehicle was stopped by Sgt. Dima and PO Gili at the intersection of 35th Avenue and 36th Street in Queens. Sgt. Dima and PO Gili approached § 87(2)(b)'s vehicle from the driver and passenger sides, respectively, ordered § 87(2)(b) to produce his license, and said he was stopped for window tints. § 87(2)(g)

§ 87(2)(b) provided his license to Sgt. Dima, and the two officers walked to the rear of § 87(2)(b)'s vehicle.

Approximately one minute later, Sgt. Dima and PO Gili both approached § 87(2)(b)'s vehicle on the driver's side and ordered him to exit, which he did. Sgt. Dima told § 87(2)(b) that he had active warrants, which § 87(2)(b) disputed. PO Gili walked § 87(2)(b) to the rear of his vehicle and stood with him while Sgt. Dima entered § 87(2)(b)'s vehicle via the driver's side and searched it. § 87(2)(b) did not see where within the vehicle Sgt. Dima searched. § 87(2)(b) did not give Sgt. Dima permission to search his vehicle, nor was he informed of why his vehicle was searched. Approximately two minutes later, Sgt. Dima approached the rear of § 87(2)(b)'s vehicle and told § 87(2)(b) that he was under arrest for § 87(2)(b), which § 87(2)(b) acknowledged Sgt. Dima had to have recovered from his vehicle's glove compartment.

§ 87(2)(b) was placed in handcuffs, at which point he voluntarily informed the officers that he had a small quantity of marijuana wrapped in a piece of plastic in his jacket pocket. § 87(2)(b) did not use marijuana that day and neither he nor his vehicle smelled of marijuana. Sgt. Dima reached into § 87(2)(b)'s jacket pocket and removed the marijuana. Sgt. Dima then searched § 87(2)(b)'s other pockets, but found no additional contraband. § 87(2)(b) was then transported to the 114th Precinct stationhouse.

Sgt. Dima (Board Review 02) and PO Gili (Board Review 03) both said they observed § 87(2)(b) nervously moving his head and shoulders from side to side as they approached his vehicle, which raised their suspicion that § 87(2)(b) might have been concealing weapons or drugs. PO Gili and Sgt. Dima could not more specifically describe § 87(2)(b)'s body movements. Upon approach, a strong smell of unlit marijuana emanated from § 87(2)(b)'s vehicle. Sgt. Dima and PO Gili asked § 87(2)(b) if he had marijuana in his vehicle. § 87(2)(b) did not respond. The officers ordered § 87(2)(b) to exit his vehicle, which he did. PO Gili

escorted him to the rear of his vehicle and stood with him. Sgt. Dima entered § 87(2)(b) vehicle via the driver's side and searched the glove compartment, center and side consoles, and § 87(2)(b)'s other reachable areas for marijuana and contraband. The search lasted approximately two minutes and yielded negative results for marijuana. However, Sgt. Dima recovered metal brass knuckles from the center console of § 87(2)(b)'s vehicle. § 87(2)(b) was arrested for possession of a deadly weapon. Sgt. Dima said he then searched § 87(2)(b) incident to his arrest and recovered a small bag of unrolled and unlit marijuana, though the associated Property Voucher (Board Review 04) indicates that the marijuana was wrapped in loose white paper.

The scent of marijuana in a vehicle is sufficient to provide officers with probable cause to search the vehicle and its occupants. People v. Chestnut, 43 A.D. 2d 260 (Board Review 14).

§ 87(2)(g)
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Allegation (B) Abuse of Authority: At the 114th Precinct stationhouse, Sergeant Vincent Dima did not obtain medical treatment for § 87(2)(b)

§ 87(2)(b) said that at the 114th Precinct stationhouse, he was lodged in a holding cell with three male individuals, identified via the Prisoner Holding Pen Roster (Board Review 05) as § 87(2)(b) and § 87(2)(b). At some point, § 87(2)(b) who suffers from hypertension, felt sick and requested medical attention from the cell attendant, identified via investigation as PO Darryl Alleyne from the 114th Precinct. PO Alleyne informed § 87(2)(b) that he had relayed § 87(2)(b)'s request to Sgt. Dima. Sgt. Dima eventually approached the holding cell and allegedly told § 87(2)(b) that if he went to the hospital, his car, money, and property would not be returned to him and would be auctioned off. § 87(2)(b) felt threatened and said to Sgt. Dima, "I guess I am fine." § 87(2)(b) never received medical attention while in police custody.

§ 87(2)(b) (Board Review 06) and § 87(2)(b) (Board Review 07) had no recollection of this incident.

§ 87(2)(b) (Board Review 08) said § 87(2)(b) repeatedly yelled and requested medical attention more than 10 times, beginning immediately after he was lodged in the holding cell. Numerous unidentified uniformed officers in the holding cell area told § 87(2)(b) to speak with his arresting officer. At some point, Sgt. Dima, identified via investigation, approached the holding cell and told § 87(2)(b) that he did not have time to take § 87(2)(b) to the hospital and that if § 87(2)(b) insisted on going to the hospital, he would be kept at the stationhouse for two more days. § 87(2)(b) did not hear any officer threaten to auction off § 87(2)(b)'s property.

Sgt. Dima denied interacting with § 87(2)(b) near the holding cells and said he last interacted with § 87(2)(b) at the stationhouse front desk. § 87(2)(b) never requested medical attention, but hurled profanities at Sgt. Dima, calling him a "fucking cop" and a "cocksucker." Sgt. Dima denied ever being informed of § 87(2)(b)'s request for medical attention, denied refusing to obtain medical attention for § 87(2)(b) and denied threatening to auction off § 87(2)(b)'s property.

PO Gili corroborated hearing § 87(2)(b) use profanity toward Sgt. Dima, and said he later fingerprinted § 87(2)(b) and took his arrest photograph. PO Gili did not hear § 87(2)(b) request medical attention, did not witness any officer refuse to obtain medical attention for § 87(2)(b) and did not hear any officer threaten to auction off § 87(2)(b)'s property.

PO Alleyne (Board Review 09) vaguely recalled this incident. He said at some point, § 87(2)(b) identified via investigation, asked to speak to Sgt. Dima, whom § 87(2)(b) identified as his arresting officer, about when he was going to be transported to Central Booking. PO Alleyne informed Sgt. Dima, who came to the holding cell and spoke to § 87(2)(b) for approximately one minute. PO Alleyne did not hear their conversation. PO Alleyne did not hear § 87(2)(b) request medical attention. He did not hear Sgt. Dima refuse to obtain medical attention for § 87(2)(b) or threaten to auction off his property.

There was no Medical Treatment of Prisoner Report prepared for this incident (Board Review 15). The 114th Precinct Command Log describes § 87(2)(b)'s condition as "apparently normal," and makes no mention of a request or transport for medical attention (Board Review 16).

NYPD Patrol Guide, Procedure 210-04, states that officers are required to obtain medical treatment for prisoners in police custody when the prisoner requires it (Board Review 10).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 11)
- Sgt. Dima has been a member-of-service for seven years and has been a subject in eight CCRB complaints and 20 allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- § 87(2)(b) filed a Notice of Claim with the City of New York claiming unlawful search and seizure, false arrest, malicious prosecution, denial of right to fair trial, negligent hiring and retention, physical, mental, and emotional injuries, loss of liberty, loss of income, violation of civil rights, and seeking that the amount of these damages be determined at trial. There is no 50H hearing scheduled (Board Review 12).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date